

REMARKS/ARGUMENTS

This Amendment is filed in response to the Final Rejection dated August 1, 2003. Therein, the Examiner objected to the claims for double patenting. Now, an appropriately filed Terminal Disclaimer is filed, which terminally disclaims the claims as allowed with respect to U.S. Patent No. 5,895,406 and 6,162,243. This aspect of the rejection should be removed.

Claim 22 was objected to due to informalities (assumed to be a rejection under 35 USC § 112, second paragraph.) Now, the relationship of the struts to the links is more clearly defined. Also, the claim outlines that the “strut” of line 7 has positive antecedent basis. Accordingly, it is respectfully submitted that this amendment should be entered, at least to place the claims in condition for appeal.

The Examiner rejected the claims under 35 USC § 102(b) as anticipated by Simon et al., U.S. Patent No. 5,354,308. This rejection is respectfully traversed.

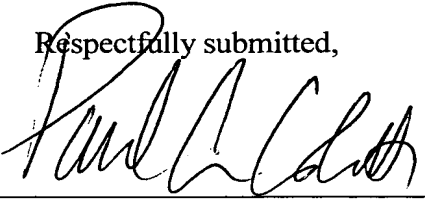
As to claim 21, it is respectfully represented that the Simon does not disclose a device having two separate frequencies for its wave-shaped sections. At best, as seen in Figure 4, there is described a stent which does not have “links” in either the end regions or in the intermediate region. Thus, this limitation of the claim is not met. Or, if the Examiner takes the position that Figure 4 of Simon describes connecting links, then the wave limitation is not met. Either way, as to claim 21, there is no full disclosure of what is claimed, so that the anticipation statute, 35 USC § 102(b) is inapplicable. Moreover, with respect to claim 21, the Examiner has given no indication on how the claims are rendered obvious by Simon. Accordingly, it is respectfully the Simon reference is not a valid reference with respect to claim 21.

With respect to claim 22, the Simon reference clearly does not disclose a plurality of circumferential links maintaining the longitudinally disposed wave-shaped struts at a plurality of locations along the strut, wherein at least one of the struts is connected to an adjacent of said struts by a separate link. As previously recommended, there are no links. Thus, there can be no

Serial No. 09/665,668
Amdt. Dated August 1, 2003

arrangement as currently claimed. It is respectfully submitted that the Examiner reconsider his rejection with respect to claim 22.

Applicants believe all the claims are now in condition for allowance. A promptly filed Notice of Allowability for claims 21 and 22 is earnestly solicited.

Respectfully submitted,

By: _____
Paul A. Coletti
Reg. No. 32,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2815
Dated: October 6, 2003